
STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE N1058(B)
INDIANAPOLIS, IN 46204
PHONE (317) 232-3777
FAX (317) 974-1629

TO: County Treasurers and Township and County Assessors

FROM: Courtney L. Schaafsma, Commissioner

RE: Manufactured (Mobile) Home Matters, Including 2016 Legislative Changes

DATE: April 11, 2016

The Department of Local Government Finance ("Department") issues this memorandum for two purposes. First, on March 24, 2016, Governor Pence signed into law House Enrolled Act 1087-2016 ("HEA 1087"), which introduces several legislative changes concerning manufactured homes (or "mobile homes"). This memorandum addresses these changes, which were effective upon passage of the bill. Second, this memorandum addresses the issue of tax liability for mobile homes and rescinds a memorandum the Department issued in 2014. Please note that this memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

I. Legislative Changes Affecting Mobile Homes

HEA 1087 amends IC 6-1.1-7-10 so that a county treasurer must issue a permit required to either move, or transfer the title to, a mobile home if the taxes, *special assessments, interest, penalties, judgments, and costs that are due and payable* on the mobile home have been paid. Previously the law referred only to taxes due on a mobile home.

HEA 1087 also amends IC 6-1.1-7-10.4 to say that the obligation of an owner of a mobile home who sells the mobile home to provide the purchaser with a permit to transfer title does not apply to a mobile home offered for sale at auction under IC 9-22-1.5 or IC 9-22-1.7 (a new chapter of the Indiana Code governing abandoned manufactured homes in mobile home communities) for the transfer resulting from the auction.

Finally, HEA 1087 amends IC 6-1.1-7-11 so that a person who is engaged to move a mobile home may not provide that service unless the owner presents the mover with a permit to move the mobile home and the permit is dated not more than 90 days (rather than one month) before the date of the proposed move.

II. Liability for Taxes on Mobile Homes

Although there were no 2016 legislative changes concerning the liability of a person for taxes on a mobile home, the Department is aware of confusion among counties as to identifying the correct party responsible for taxes on a mobile home. The Department issued a memorandum on this topic in 2014 (available at [http://www.in.gov/dlgf/files/pdf/140425 - Vincent Memo - Mobile Home Matters.pdf](http://www.in.gov/dlgf/files/pdf/140425_-_Vincent_Memo_-_Mobile_Home_Matters.pdf)) and hereby rescinds that publication.

Regarding **personal property** mobile homes (meaning dwellings that are factory-assembled, transportable, intended for year-round occupancy, exceed 35 feet in length, and are designed either for transportation on their own chassis or placement on a temporary foundation), IC 6-1.1- 7-7 provides that “The owner of a mobile home on the assessment date of a year is liable for the taxes imposed upon the mobile home for that year.”

By way of example, if on the assessment date Bob owns a piece of land and Phil owns a mobile home **assessed as personal property** that is located on Bob’s land, Phil is liable for the taxes imposed on that mobile home. There is no joint liability with Bob. If on the assessment date Sam occupied Phil’s mobile home, Phil would still be legally responsible for the taxes on that mobile home.

If a semi-annual installment of taxes imposed for a year upon a **personal property** mobile home is not paid on or before the due date, the same penalties apply that are imposed under IC 6-1.1- 37-10 for the late payment of property taxes. In addition, the mobile home and the personal property of a delinquent taxpayer must be levied upon and sold in the same manner that a taxpayer’s personal property is levied upon and sold under IC 6-1.1-23 for the non-payment of personal property taxes.

If a person owns a mobile home **assessed as real property** that is located on property owned by another person, IC 6-1.1-2-4(b) could be applicable. This statute provides, in part, that:

An owner on the assessment date of a year of real property that has an improvement or appurtenance that is:

- (1) assessed as real property; and
- (2) owned, held, possessed, controlled, or occupied on the assessment date of a year by a person other than the owner of the land;

is jointly liable for the taxes imposed for the year on the improvement or appurtenance with the person holding, possessing, controlling, or occupying the improvement or appurtenance on the assessment date.

By way of example, if on the assessment date John owns a piece of land and Bill owns a mobile home **assessed as real property** that is located on John’s land, John and Bill are jointly liable for the taxes imposed on the mobile home. **Note that** IC 6-1.1-2-4(b) pertains only to improvements and appurtenances **assessed as real property**.

The Department will be updating several of its state forms to account for the information documented in this memorandum.

Contact Information

Questions may be directed to General Counsel Mike Duffy at (317) 233-9219 or mduffy@dlgf.in.gov.

**NOTICE OF PLACING OF MANUFACTURED (MOBILE) HOME UPON LAND OR LOT**

State Form 23341 (R6 / 4-16)

Prescribed by the Department of Local Government Finance

FORM 1**INSTRUCTIONS:**

1. Please type or print legibly.
2. This form is to be filed with the township assessor, if any, or the county assessor within ten (10) days after the date of placement of the mobile home. (IC 6-1.1-7-3)
3. If additional space is needed, attach a second form.
4. For contact information for the township assessor or the county assessor, go to <http://www.in.gov/dlgf/2440.htm>.
5. A person who violates this requirement commits a Class C infraction. (IC 6-1.1-7-13)
6. Complete all boxes.

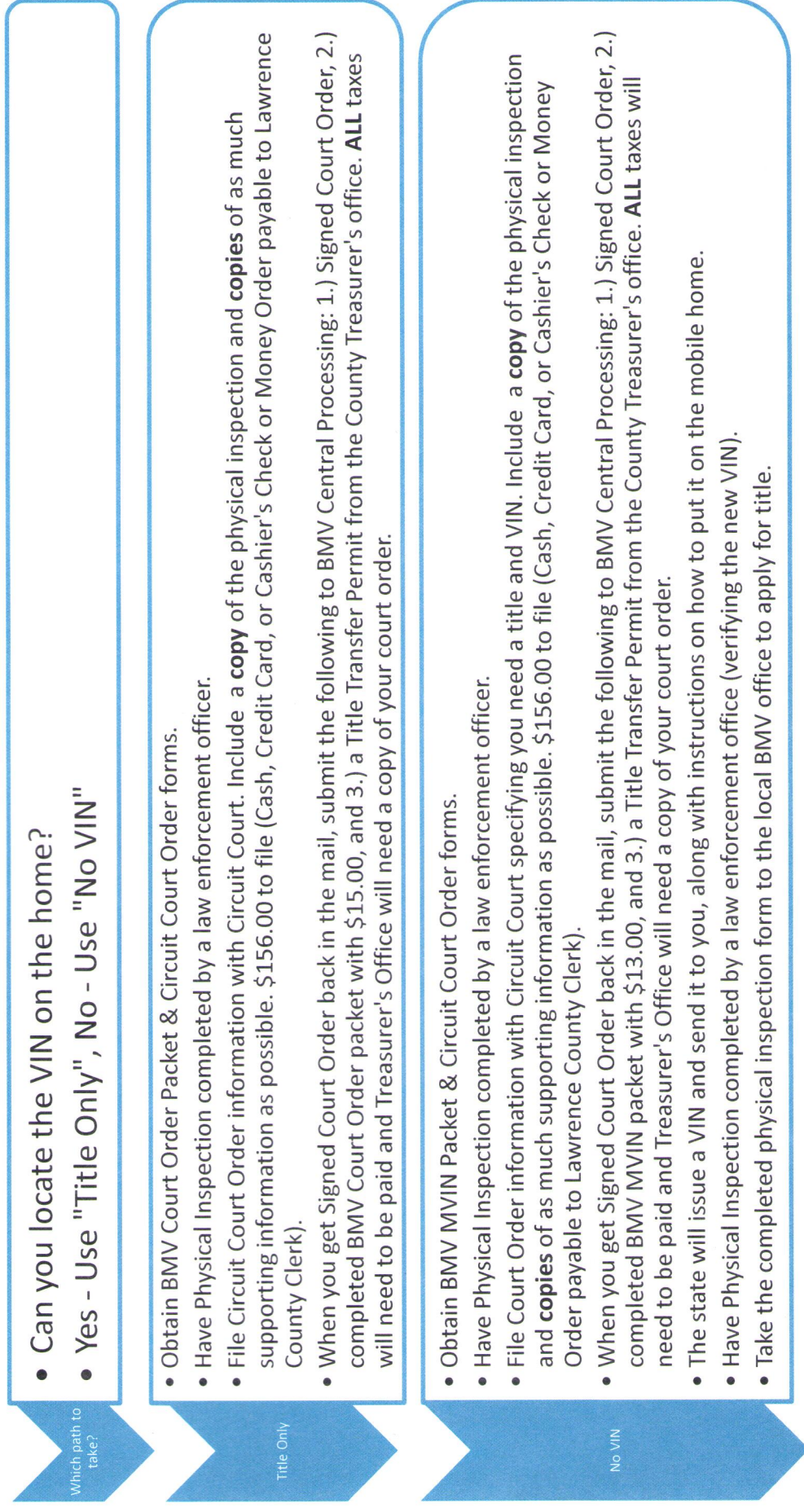
Name of owner, possessor, or controller of the land or lot	Address of owner, possessor, or controller of the land or lot (number and street, city, state, and ZIP code)	
Name of owner of the mobile home	Address of owner of the mobile home (number and street, city, state, and ZIP code)	
Name of contract buyer of the mobile home	Address of contract buyer of the mobile home (number and street, city, state, and ZIP code)	
Legal description of land or lot		
County	Township	Parcel number

YEAR	MAKE	MODEL	DIMENSION	VEHICLE IDENTIFICATION NUMBER	SITE LOCATION INFORMATION (address, lot number, etc.)	DATE OF PLACEMENT (month, day, year)

Describe any unique / special circumstances that exist.

Pursuant to the provisions of IC 6-1.1-7-3, you are hereby notified that the following mobile home(s) has been permitted to be placed on the land or lot owned, controlled, and/or possessed by me.	
Signature of owner/possessor/controller of the land or lot	Printed name of owner/possessor/controller of the land or lot Date signed (month, day, year)

How to get a mobile home title



Forms available at Lawrence County Treasurer's Office or at Bedford License Branch
 Lawrence County Assessor – 812-275-5405
 Lawrence County Treasurer – 812-275-2431
 Bedford License Branch – 812-275-7926, 615 X Street, Bedford, Indiana

STATE OF INDIANA)
COUNTY OF LAWRENCE)

IN THE LAWRENCE CIRCUIT COURT
2016 TERM

CAUSE NO -MI-

IN THE MATTER OF:
MOBILE HOME TITLE REQUEST FOR

YEAR	<u>Click here to enter text.</u>
MAKE	<u>Click here to enter text.</u>
MODEL	<u>Click here to enter text.</u>
VIN #	<u>Click here to enter text.</u>

VERIFIED REQUEST FOR COURT ORDER FOR MOBILE HOME TITLE (AND VIN)

Comes now the Petitioner Click here to enter text. and requests that the Court issue an order to the Indiana Bureau of Motor Vehicles to issue a title for the following vehicle and in support of said request states, under oath, that the following is true:

- | | |
|-------------------------------------|---------------------------------------|
| 1. Petitioner’s Full Name: | <u>Click here to enter text.</u> |
| Petitioner’s Address: | <u>Click here to enter text.</u> |
| County of Residence: | <u>Lawrence</u> |
| Telephone Number: | Home <u>Click here to enter text.</u> |
| | Cell <u>Click here to enter text.</u> |
| | Work <u>Click here to enter text.</u> |
| Date of Birth: | <u>Click here to enter a date.</u> |
| 2. Year of Mobile Home: | <u>Click here to enter text.</u> |
| Make of Mobile Home: | <u>Click here to enter text.</u> |
| Model of Mobile Home: | <u>Click here to enter text.</u> |
| Type of Vehicle: | <u>Mobile Home</u> |
| 3. Present location of mobile home: | <u>Click here to enter text.</u> |
-

4. State the name, address, and all other information regarding the previous owner and the owner of record of the current title:

[Click here to enter text.](#)

5. Describe the circumstances how you acquired or came into possession of the mobile home:

[Click here to enter text.](#)

6. Describe the efforts you made and why you cannot obtain a title for the mobile home:

[Click here to enter text.](#)

7. Please **attach** any written documents including bills of sale, titles, police checks, Bureau of Motor Vehicles title record searches, etc.
8. Any other information you want the Court to consider:

[Click here to enter text.](#)

I affirm under the penalties for perjury that the foregoing representations are true.

Dated: [Click here to enter a date.](#)

Petitioner's Signature

[Click here to enter text.](#)

Petitioner's Printed Name

STATE OF INDIANA)
COUNTY OF LAWRENCE)

IN THE LAWRENCE CIRCUIT COURT
2016 TERM

CAUSE NO

-MI-

IN THE MATTER OF:
MOBILE HOME TITLE REQUEST FOR

YEAR [Click here to enter text.](#)

MAKE [Click here to enter text.](#)

MODEL [Click here to enter text.](#)

VIN # [Click here to enter text.](#)

COURT ORDER FOR MOBILE HOME TITLE (AND VIN)

Comes now the Petitioner [Click here to enter text.](#) and requests that the Court issue an order for the above described vehicle. The Court being duly advised and having considered the evidence now finds that the Indiana Bureau of Motor Vehicles should issue a title to Petitioner for said motor vehicle.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Indiana Bureau of Motor Vehicles issue a title to the Petitioner for said mobile home.

So Ordered this _____ day of _____, 2016.

Andrea K. McCord, Judge
Lawrence Circuit Court

Exhibit E

IC 9-22-1.5 Private landowner	IC 9-22-1.7 MH Community
Landowner may sell or salvage the mobile home if it was built at least 15 years ago and has been left without permission for at least 60 days.	Landowner may sell or salvage the mobile home if it has been left without permission for at least 30 days.
60 day period begins day notice is sent	30 day period begins day notice is sent
Notice sent to last known address of the owner as shown by records of bureau or if VIN is not found, the records of the county assessor	Notice sent to last known address of the owner as shown by records of the bureau
Notice should also be posted to a lienholder or anyone else with an interest in the home as well as the county treasurer	
Notice should include <ol style="list-style-type: none"> 1. Description and location of the home 2. Statement it is on property without permission 3. Demand owner remove the home within a specified period of time, not less than 10 days after receipt of notice 4. Statement that if home not moved within that time, it will be advertised for sale and auctioned at specified time and place 	Notice should include <ol style="list-style-type: none"> 1. Description and location of the home 2. Statement it is on property without permission 3. Demand owner remove the home within a specified period of time, not less than 10 days after receipt of notice 4. Statement that if home not moved within that time, it will be advertised for sale and auctioned at specified time and place 5. Statement that in case of auction, anyone with an interest in the home who fails to show up waives rights to the home 6. Statement that if home is moved before auction, all liens and debts to landowner must be paid
Notice can be made by following methods <ol style="list-style-type: none"> 1. Certified mail, return receipt requested 2. Personal delivery 3. Electronic service 	Notice can be made by following methods <ol style="list-style-type: none"> 1. Certified mail, return receipt requested 2. Personal delivery 3. Electronic service 4. Posting of the notice on the home
If during above mentioned period, owner requests by certified mail, return receipt requested, additional time to move the home, the period shall be extended 30 days and may only be requested one time	
Advertise that the home will be offered at public auction for 2 consecutive weeks in newspaper. Include description of home, name of owner, time and place of sale. If no newspaper, post ad at least 10 days before sale in 6 conspicuous places in neighborhood	
Provide a reasonable time before sale for prospective purchasers to examine home. Hold sale at least 15 days after 1 st publication. Sell home to highest bidder, if any	
Upon payment of bid price, provide purchaser with affidavit of sale or disposal. This constitutes proof of ownership and right to have home titled in name of purchaser, landowner, or donee	
Amount of bid distributed in following priority <ol style="list-style-type: none"> 1. Reasonable attorney fees for sale 2. Amounts owed to creditors known to have lien or secured interest in home 3. Delinquent taxes, penalties, interest, or collection expenses attributable to home 4. If bid price exceeds these amounts, the landowner may retain the remaining amount 	Amount of bid distributed in following priority <ol style="list-style-type: none"> 1. Reasonable attorney fees for sale 2. Amounts owed to creditors known to have lien or secured interest in home, including any lien or secured amounts due to the landowner 3. Delinquent taxes, penalties, interest, or collection expenses attributable to home 4. If bid price exceeds these amounts, the landowner may retain the remaining amount
If auction produces no purchaser, the home becomes property of landowner and this should be noted on affidavit. The landowner can then donate or dismantle the home	
To get a title the purchaser, landowner, or donee shall <ol style="list-style-type: none"> 1. Present BMV with affidavit of sale 2. Complete an application of title with any other information the bureau requires 3. Pays any applicable fees 	To get a title the purchaser, landowner, or donee shall <ol style="list-style-type: none"> 1. Present BMV with affidavit of sale 2. Complete an application of title with any other information the bureau requires 3. Pays any applicable fees 4. Provide evidence of payment of delinquent property taxes, interest, and penalties

**MOBILE HOME PERMIT**

State Form 7878 (R5 / 6-15)

Prescribed by the Department of Local Government Finance

INSTRUCTIONS:

1. A mobile home may not be moved from one location to another unless the owner obtains a permit to move the mobile home from the county treasurer. (IC 6-1.1-7-10)
2. The Bureau of Motor Vehicles may not transfer the title to a mobile home or change names in any manner on the title to a mobile home unless the owner obtains a permit to transfer the title from the county treasurer. (IC 6-1.1-7-10) A certificate of title must be applied for within thirty-one (31) days after the mobile home is purchased or otherwise acquired. (IC 9-29-4-4)
3. A county treasurer shall issue a permit which is required to either move, or transfer the title to a mobile home if the taxes due on the mobile home have been paid. The permit shall state the date it is issued. The treasurer must issue the permit not later than two (2) business days (excluding weekends and holidays) after the date the treasurer receives a completed permit application. (IC 6-1.1-7-10)
4. A mobile home cannot be moved more than one (1) month after the date of issuance of this permit. (IC 6-1.1-7-11)
5. A mobile home owner who sells the mobile home to another shall provide the purchaser with the permit required before the sale is consummated. This obligation does not apply to a mobile home offered for sale at an auction under IC 9-22-1.5. (IC 6-1.1-7-10.4) A person who violates this commits a Class C infraction. (IC 6-1.1-7-14)
6. A mobile home owner must present a copy of this permit to the Bureau of Motor Vehicles when applying for title transfer. If the mobile home is to be moved, a separate permit must be requested prior to moving.
7. A Form 1 (Notice of Placing of Mobile Home Upon Land or Lot) must be filed with the assessor within ten (10) days after the date of placement of the mobile home. (IC 6-1.1-7-3)
8. The requirement to obtain a permit to move or transfer title to a mobile home does not apply to an abandoned mobile home sold at an auction under IC 9-22-1.5.

NOTE: A permit to move or transfer title to a mobile home expires ninety (90) days after the date the county treasurer issues it. When the permit expires, it becomes invalid and the owner must obtain a new permit. However, a person who is engaged to move a mobile home may not provide that service unless the owner presents the mover with a permit to move the mobile home and the permit is dated not more than one (1) month before the date of the proposed move.

ATTENTION: MOVER, HAULER, OR TOWER

A person who is engaged to move a mobile home may not provide that service unless the owner presents him with a permit to move the mobile home and the permit is dated not more than one (1) month before the date of the proposed move. The mover shall retain possession of the permit while the mobile home is in transit.

Type of mobile home permit:

☐ Section A - For Moving ☐ Section B - Transferring Title (NOTE: Separate permits required if owner intends to both move and transfer title.)
SECTION A - MOVING PERMIT

Name of owner			Date of issuance of permit (month, day, year)
Address (number and street, city, state, and ZIP code)			Date permit expires (one (1) month after issuance)
Make of mobile home	Year	Dimension	Vehicle identification number
Address of present location (number and street, city, state, and ZIP code)			
Address of new location (number and street, city, state, and ZIP code)			Contact telephone number ()

SECTION B - TITLE TRANSFER PERMIT

Name of owner			Contact telephone number ()
Address of owner (number and street, city, state, and ZIP code)			
Address of location of mobile home (number and street, city, state, and ZIP code)			
Make of mobile home	Year	Dimension	Vehicle identification number
Name of purchaser			
Address of purchaser (number and street, city, state, and ZIP code)			
Is purchaser moving this mobile home? <input type="checkbox"/> Yes <input type="checkbox"/> No		If you are moving this mobile home, provide address of new location (number and street, city, state, and ZIP code)	

CERTIFICATION OF COUNTY TREASURER

The application to move or transfer title (as indicated above) of above described mobile home has been reviewed with the records in this office and I hereby certify that all taxes due on the mobile home have been paid.		
Signature of County Treasurer	County	Date signed (month, day, year)

DISTRIBUTION: Original - Owner of Mobile Home, Copy - County Treasurer, Copy - County Assessor or Township Assessor, if any

Lawrence County Treasurer

916 15th Street, Room 27

Bedford, IN 47421

812.275.2431 Telephone

812.275.4164 Fax



Did you know?

It is important that if you own a manufactured home you have a title because:

- * A title in your name proves ownership
- * It may qualify you for a homestead deduction which greatly reduces your taxes
- * The title is necessary to legally transfer or move the home

Did you also know it is crucial that you turn in a **copy of the title** to either the Lawrence County Treasurer's or Assessor's office because:

- * Senate Enrolled Act 433 (Indiana Code 6-1.1-7-16), a law passed in 2013, **requires** taxpayers to turn in the vehicle identification number ("VIN") for each personal property Manufactured Home to the Assessor's Office.
- * It ensures correct assessment information—owner, year, make, etc.

If you do not have a title to the home, please contact the Lawrence County Treasurer's Office for assistance.

Your VIN information and copy of title have not been received. Please complete the below information and return with a **copy of your title** to the Lawrence County Treasurer's or Assessor's Office.

Location Address of Manufactured Home (if different than above):

Owners Telephone Number: _____

VIN (or Serial) #: _____

Year: _____ Make: _____ Model: _____

Size: _____

IC 9-22-1.5

Chapter 1.5. Abandoned Mobile Homes

IC 9-22-1.5-1

"Mobile home"

Sec. 1. As used in this chapter, "mobile home" has the meaning set forth in IC 6-6-5-1.

As added by P.L.108-2001, SEC.5.

IC 9-22-1.5-1.3

Exception

Sec. 1.3. This chapter does not apply to a mobile home that is located in a mobile home community (as defined in IC 16-41-27-5).

As added by P.L.71-2015, SEC.3.

IC 9-22-1.5-1.5

"Abandoned"

Sec. 1.5. For purposes of this chapter, a mobile home is considered "abandoned" if three (3) or more of the conditions set forth in IC 32-30-10.6-5(a) exist with respect to the mobile home.

As added by P.L.71-2015, SEC.4.

IC 9-22-1.5-2

Private landowner may sell or salvage mobile home

Sec. 2. A private landowner who finds a mobile home that the person believes to be abandoned on real estate the person owns or controls, including rental property, may sell or salvage the mobile home if it was built at least fifteen (15) years ago and has been left without permission on the landowner's real estate for at least sixty (60) days. The sixty (60) day period begins on the day the landowner sends notice under section 3 of this chapter to the owner of the mobile home.

As added by P.L.108-2001, SEC.5. Amended by P.L.262-2013, SEC.107; P.L.71-2015, SEC.5; P.L.198-2016, SEC.371.

IC 9-22-1.5-3

Notice of proposed sale or salvage of mobile home to owner by landowner

Sec. 3. (a) A landowner shall send notice of a mobile home described in section 2 of this chapter as follows:

(1) To the owner of the mobile home at the last known address of the owner as shown by:

(A) the records of the bureau; or

(B) if the unique serial number or special identification number assigned to the mobile home is removed or otherwise illegible, the records of the assessor of the county in which the mobile home is located.

If the landowner is unable to determine the address of the

mobile home owner, the landowner may serve the mobile home owner by posting the notice on the mobile home.

(2) To:

(A) a lienholder with a perfected security interest in the mobile home; or

(B) any other person known to claim an interest in the mobile home;

as shown by the records of the bureau.

Notice under this subsection must include a description of the mobile home, the location of the mobile home, and a conspicuous statement that the mobile home is on the landowner's real estate without the owner's permission. If the owner of a mobile home changes the owner's address from that maintained in the records of the bureau, the owner shall immediately notify the landowner of the new address.

(b) A landowner may provide notice under subsection (a) by the following methods:

(1) Certified mail, return receipt requested.

(2) Personal delivery.

(3) Electronic service under IC 9-22-1-19.

(c) If, before the sixty (60) day period described in section 2 of this chapter expires, the mobile home owner requests by certified mail, return receipt requested, additional time to remove the mobile home, the period described in section 2 of this chapter shall be extended by an additional thirty (30) days. The mobile home owner may only request one (1) thirty (30) day extension of time.

As added by P.L.108-2001, SEC.5. Amended by P.L.262-2013, SEC.108; P.L.71-2015, SEC.6; P.L.198-2016, SEC.372.

IC 9-22-1.5-4

Landowner may hold auction

Sec. 4. The landowner shall:

(1) request that a search be performed in the records of the bureau or the county assessor, in accordance with section 3(a)(1) of this chapter, for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to:

(A) the last known address of the owner of the mobile home;

(B) any lien holder with a perfected security interest in the mobile home;

(C) all other persons known to claim an interest in the mobile home; and

(D) the county treasurer of the county in which the mobile home is located.

The notice must include a description of the mobile home, the

location of the mobile home, a demand that the owner remove the mobile home within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

(3) advertise that the mobile home will be offered for sale at public auction. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

(5) sell the mobile home to the highest bidder, if any; and

(6) immediately after the auction, execute an affidavit of sale or disposal on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the real estate without permission;

(C) any expenses incurred by the landowner, including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the landowner shall note that fact on the affidavit. The landowner shall list the landowner or any donee as the purchaser on the affidavit of sale or disposal.

As added by P.L.108-2001, SEC.5. Amended by P.L.125-2012, SEC.126; P.L.71-2015, SEC.7; P.L.198-2016, SEC.373.

IC 9-22-1.5-5

Results of auction

Sec. 5. (a) Upon payment of the bid price by the purchaser, the landowner shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the auction produces a purchaser, notwithstanding IC 6-1.1-23, the landowner shall distribute the amount of the bid price received from the purchaser in the following order of priority:

(1) Reasonable attorney's fees incurred by the landowner for the sale of the mobile home.

(2) Amounts owed to creditors known to have a lien or security interest on the mobile home, according to the priorities of the creditors' respective security interests.

(3) Delinquent taxes, including any associated penalties, interest, or collection expenses, that are attributable to the mobile home as of the date of sale.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the landowner may retain the remaining amount.

(c) If the auction produces no purchaser, the mobile home becomes the property of the landowner, and the landowner shall note that fact on the affidavit of sale or disposal.

(d) If the landowner wishes to donate the mobile home to any willing donee, a landowner who has obtained ownership of a mobile home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(e) If the auction produces no purchaser and the landowner does not intend to sell or transfer the mobile home to another person, the landowner may, without further administrative application, dismantle the unit for salvage or disposal.

(f) A landowner or willing donee who obtains ownership of a mobile home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

(g) Within thirty (30) days after the auction is held, the landowner shall submit the following to the county treasurer:

(1) A copy of the affidavit of sale or disposal.

(2) The amount, if any, to be distributed under subsection

(b)(3), if the auction produced a purchaser.

As added by P.L.108-2001, SEC.5. Amended by P.L.71-2015, SEC.8; P.L.198-2016, SEC.374.

IC 9-22-1.5-6

Affidavit of sale or disposal

Sec. 6. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the mobile home titled in the purchaser's, landowner's, or donee's name under section 7 of this chapter.

As added by P.L.108-2001, SEC.5. Amended by P.L.198-2016, SEC.375.

IC 9-22-1.5-7

Certificate of title

Sec. 7. After the purchaser, landowner, or donee:

(1) presents the bureau with the affidavit of sale;

(2) completes an application for title under IC 9-17 with any other information the bureau requires; and

(3) pays any applicable fee;

the bureau shall issue to the purchaser, landowner, or donee a certificate of title to the mobile home.

As added by P.L.108-2001, SEC.5. Amended by P.L.262-2013, SEC.109; P.L.198-2016, SEC.376.

IC 9-22-1.7

Chapter 1.7. Abandoned Manufactured Homes in Mobile Home Communities

IC 9-22-1.7-1

Applicability

Sec. 1. This chapter applies to a manufactured home that is located in a mobile home community (as defined in IC 16-41-27-5).
As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-2

"Manufactured home"

Sec. 2. As used in this chapter, "manufactured home" means either of the following:

- (1) A nonself-propelled vehicle designed for occupancy as a dwelling or sleeping place.
- (2) A dwelling, including the equipment sold as a part of the dwelling, that:
 - (A) is factory assembled;
 - (B) is transportable;
 - (C) is intended for year-round occupancy;
 - (D) is designed for transportation on its own chassis; and
 - (E) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-3

Landowner may sell or salvage manufactured home

Sec. 3. A landowner who finds a manufactured home that the landowner believes to be abandoned on property the landowner owns or controls, including:

- (1) a mobile home community (as defined in IC 16-41-27-5); or
- (2) rental property;

may sell or salvage the manufactured home if the manufactured home has been left without permission on the landowner's property for at least thirty (30) days. The thirty (30) day period begins on the day the landowner sends notice under section 4 of this chapter to the manufactured home owner.

As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-4

Notice of proposed sale or salvage by landowner

Sec. 4. (a) A landowner shall send notice of a manufactured home described in section 3 of this chapter as follows:

- (1) To the manufactured home owner at the last known address of the manufactured home owner as shown by the records of the bureau. However, if the landowner is unable to determine the

address of the manufactured home owner, the landowner may serve the manufactured home owner by posting notice on the manufactured home.

(2) To:

(A) a lienholder with a perfected security interest in the manufactured home; or

(B) any other person known to claim an interest in the manufactured home;

as shown by the records of the bureau.

Notice under this section must include a description of the manufactured home and a conspicuous statement that the manufactured home is on the landowner's property without the landowner's permission. If the manufactured home owner changes the manufactured home owner's address from that maintained in the records of the bureau, the manufactured home owner shall immediately notify the landowner of the new address.

(b) A landowner may provide notice under subsection (a) by the following methods:

(1) Certified mail, return receipt requested.

(2) Personal delivery.

(3) Electronic service under IC 9-22-1-19.

(4) Posting of the notice on the manufactured home, if the landowner is unable to determine the manufactured home owner's address.

(c) If, before the thirty (30) day period described in section 3 of this chapter expires, the manufactured home owner requests by certified mail, return receipt requested, additional time to remove the manufactured home, the period described in section 3 of this chapter shall be extended by an additional thirty (30) days. The manufactured home owner may request only one (1) thirty (30) day extension of time.

As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-5

Search for owner; notice; advertisement of auction

Sec. 5. A landowner shall do the following:

(1) Request that a search be performed in the records of the bureau for the name and address of the manufactured home owner and the name and address of any person holding a lien or security interest on the manufactured home.

(2) After receiving the results of the search required by subdivision (1) and after the expiration of the thirty (30) day period described in sections 3 and 4 of this chapter, give notice to all the following:

(A) The manufactured home owner:

(i) by certified mail, return receipt requested, to the last known address of the manufactured home owner; or

(ii) in person to the manufactured home owner; or

(iii) if the landowner is unable to determine the manufactured home owner's address or provide notice to the manufactured home owner in person, the landowner may satisfy the notice requirement under this subdivision by posting of the notice to the manufactured home owner on the manufactured home.

(B) Any lien holder (other than the landowner) with a perfected security interest in the manufactured home either by certified mail, return receipt requested, or in person.

(C) All other persons known to claim an interest in the manufactured home either by certified mail, return receipt requested, or in person.

(D) The county treasurer of the county in which the manufactured home is located, by certified mail, return receipt requested, or in person.

The notice must include a description of the manufactured home, a demand that the owner remove the manufactured home within a specified time not less than ten (10) days after receipt of the notice, a conspicuous statement that unless the manufactured home is removed within that time, the manufactured home will be advertised for sale by auction at a specified time and place, and a conspicuous statement that, in the case of a sale by auction of the manufactured home, a person or lienholder other than the county treasurer that fails to appear at the auction, or otherwise participate in the auction, waives any right the person may have as a lien holder in the manufactured home and any other rights that the person may have regarding the sale of the manufactured home. In addition, the notice must include a statement that, if the manufactured home is removed before the auction takes place, all statutory liens against the manufactured home under IC 16-41-27-29 and all debts owed to the landowner that are associated with the placement of the manufactured home on the landowner's property must be paid.

(3) After the expiration of the ten (10) day period in subdivision (2), advertise that the manufactured home will be offered for sale at public auction in conformity with IC 26-1-2-328 and IC 26-1-7-210. The advertisement of sale must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the county where the manufactured home has been left without permission. The advertisement must include a description of the manufactured home, the name of the owner of the manufactured home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places

in the neighborhood of the proposed sale.

(4) Provide a reasonable time before the sale for prospective purchasers to examine the manufactured home.

(5) Sell the manufactured home to the highest bidder, if any.

(6) Immediately after the auction, execute an affidavit of sale or disposal on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the manufactured home was left on the property without permission;

(C) any expenses incurred by the landowner, including the expenses of the sale and any lien of the landowner;

(D) the name and address of the purchaser of the manufactured home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the manufactured home is not purchased by a bidder at the auction, the landowner shall note that fact on the affidavit and shall list the landowner, or any donee, as the purchaser on the affidavit of sale or disposal.

As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-6

Results of auction

Sec. 6. (a) Upon payment of the bid price by the purchaser, the landowner shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the manufactured home is not purchased by a bidder at the auction, the manufactured home becomes the property of the landowner, and the landowner shall note that fact on the affidavit of sale or disposal.

(c) If the landowner wishes to donate the manufactured home to any willing donee, a landowner who has obtained ownership of a manufactured home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(d) If the manufactured home is not purchased by a bidder at the auction and the landowner does not intend to sell or transfer the manufactured home to another person, the landowner may, upon submitting an affidavit of sale or disposal to the bureau, dismantle the manufactured home for salvage or disposal, or transport the manufactured home to a licensed solid waste landfill.

(e) A landowner or willing donee who obtains ownership of a manufactured home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

(f) If the manufactured home is purchased by a bidder at the auction under this chapter, the landowner shall distribute the amount of the bid price received from the purchaser in the following order of priority:

(1) Reasonable attorney's fees incurred by the landowner for the

sale of the manufactured home.

(2) Amounts owed to persons known to have a lien or security interest on the manufactured home, including any lien or secured amounts due the landowner under IC 16-41-27-29, and according to the priority of the creditor's secured interest in the manufactured home.

(3) Delinquent property taxes that were assessed on the manufactured home and that were due and payable at the time of the sale of the manufactured home at auction, including any special assessments, interest, penalties, judgments, and costs that are attributable to the delinquent property taxes.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the landowner may retain the remaining amount.

As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-7

Affidavit of sale or disposal

Sec. 7. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the manufactured home titled in the purchaser's, landowner's, or donee's name under IC 9-17-6-12.

As added by P.L.198-2016, SEC.377.

IC 9-22-1.7-8

Waiver of liens; certificate of title

Sec. 8. (a) All liens and security interests of any person or entity, other than the county treasurer, that fails to appear or otherwise participate in the auction under this chapter are waived and are void as of the date of the sale of the manufactured home at the auction.

(b) After the purchaser, landowner, or donee:

- (1) presents the bureau with the affidavit of sale or disposal;
- (2) completes an application for title with any other information the bureau requires;
- (3) pays any applicable fee; and
- (4) provides evidence of the payment of any delinquent property taxes and any associated interest and penalties as provided under section 6(f)(3) of this chapter;

the bureau shall issue to the purchaser, landowner, or donee a certificate of title to the manufactured home.

As added by P.L.198-2016, SEC.377.